

REMARKS

Reconsideration of this application, as amended, is requested.

Claims 1, 2, 7, 8, 11-14, 16, 17, 20, 26-29, 33, 34 and 37 remain in the application. Claim 1 has been amended to incorporate limitations that had been in canceled claims 4 and 6 as well as the subject matter that had been presented at page 10, lines 27-29 and page 11, lines 9-17. Claims 29 and 33 also have been amended to address rejections under 35 USC 112, second paragraph.

Claims 1, 2, 4, 11, 16, 17, 26 and 28 were rejected under 35 USC 102(b) as being anticipated by EP 1 197 146. The Examiner identified elements in the EP '146 reference that were considered to correspond to limitations in the original claims.

Claim 1 is the only independent claim in the application and has been amended to define the invention with greater particularity. Amended claim 1 now positively recites that a surface portion between the access portion and the entrapment portion has a relatively roughened texture so as to encourage a pest toward the entrapment portion. Additionally, another region of the surface has a relatively smooth texture serving to keep a pest on the roughened portion of the surface portion or on the entrapment portion. As noted above, this aspect of the invention and the advantages associated with this aspect of the invention are described very clearly on page 10 lines 27-29 of the specification and on page 11, lines 9-17. The EP '146 patent has no suggestion of this aspect of the invention. Accordingly, it is submitted that the invention defined by amended claim 1 is not taught or suggested by the EP '146 reference.

Claims 33, 34 and 38 were rejected under 35 USC 102(b) as being anticipated by U.S. Patent No. 5,673,509 to Gatewood, Jr.

It is believed that this rejection is based on the fact that claim 33 inadvertently remained depending from canceled claim 21. Hence, the Examiner appears to have looked only at the limitations in a claim that was intended to have been a dependent claim. Counsel apologizes for this clerical mistake. Claim 33 has been amended to depend from claim 29, and in view of this dependency includes all of the limitations of amended independent claim 1. Gatewood, Jr. was not applied to claim 1, and certainly would not be applied as an anticipation rejection to claims 33 or 34. Conceivably, the Examiner would apply Gatewood, Jr. in combination with EP '146 for a rejection under 35 USC 103(a). However, Gatewood, Jr. does not overcome the deficiencies of the EP '146 reference. It is submitted, therefore, that claims 33 and 34 are patentable over EP '146 and/or Gatewood, Jr.

Claim 38 had been presented as an independent claim and was rejected under 35 USC 102(b) in view of Gatewood, Jr.

Claim 38 has been canceled.

Claims 5-8 and 29 were rejected under 35 USC 103(a) as being obvious over EP '146 considered in view of U.S. Patent No. 5,497,576 to Nowak.

Nowak does disclose a rough surface 31 in a trap. However, the rough surface 31 of Nowak is not disposed to guide the pest towards an entrapment portion. Nowak also does not disclose a portion arranged to prevent a pest from escaping from an entrapment portion once captured. Additionally, Nowak does not disclose a portion

serving to keep the pest on the roughened portion to effectively guide the pest towards the entrapment portion.

In contrast, the invention defined by amended claim 1 has a surface portion between the access portion and the entrapment portion. A region of the claimed surface portion has a relatively roughened texture so as to that encourage the pest towards the entrapment portion. Additionally, amended claim 1 defines another region of the surface as having a relatively smooth texture for keeping the pest on the roughened portion or on the entrapment portion. As explained at page 10, lines 26-29, the provision of the smooth border to the adhesive serves to prevent a pest on the adhesive from securing sufficient purchase on the border to effect an escape from the adhesive. Additionally, as stated at page 11, lines 11-16, the smooth surfaces of the trap discourage the pest from walking thereon and encourages the pest to walk along the rough surface. As a result, the likelihood of a pest evading detection and capture are reduced significantly, since the pest is effectively guided towards the entrapment portion. These aspects of the invention are not taught or suggested by the hypothetical combination of EP '146 and Nowak.

Claims 13, 14 and 20 were rejected under 35 USC 103(a) as being obvious over EP '146 considered in view of U.S. Patent No. 6,016,623 to Celestine. The Celestine patent does not overcome the deficiencies of EP '146 as explained above.

In view of the preceding amendments and remarks, it is submitted that the claims remaining in the application are directed to patent subject matter, and allowance is solicited. The Examiner is urged to contact applicant's attorney at the number below to expedite the prosecution of this application.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Gerald E. Hespos", is written over the printed name.

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